REMARKS

Claims 1, 3 – 8, 14, and 16-17 are in the application. By this Amendment, Claims 1, 4, 5, 14 and 16 are amended and Claims 2, 9 – 13, 15 and 18 - 19 are cancelled.

Claims 5 and 6 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner states that the indefiniteness arises, in the first case, from Claim 4 wherein "a speed of said motor/generator" is stated. In response, Claim 4 has been amended to indicated that the claimed speed is the rotational speed of the motor/generator. Claims 5 and 6 recite the speed of the vehicle and are clear on their face. Thus, with the amendment of Claim 4, Applicants respectfully submit that the grounds for this rejection have been addressed and that Claims 4, 5 and 6 should be passed to issue. Such action is earnestly solicited. Finally, Claim 19 has been cancelled, thereby obviating its rejection under 35 U.S.C. 112.

Claims 1 – 5, 9 and 14 – 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Taga et al (U.S. Pat # 5,915,801). The Examiner states that Taga '801 discloses all the limitations of the instant claims including a braking system with an engine, a clutch, transaxle assembly, etc. Applicants respectfully traverse this rejection and request that each of Claims 1, 3 – 5, 14 and 16 be reconsidered in view of these remarks and further in view of the amendment of Claims 1 and 14 and passed to issue.

As amended, claims 1 and 14 make clear that Applicants' engine is disconnected from the drive line during regenerative braking events, with the disconnection being based upon the accelerator pedal position. Moreover, the value of the regenerative braking torque produced is based at least in part upon the position of the accelerator pedal. In contrast, Taga '801 uses the rate of accelerator pedal movement, not the absolute position of the accelerator pedal to control his regenerative braking system. Moreover, it is not clear that Taga '801 even uses the rate of change of accelerator position to disconnect his engine. As a result, Taga '801 cannot comprise the basis for a valid rejection of any of

the claims remaining in this application and each of Claims 1, 3 – 8, 14 and 16 should be passed to issue. Such action is earnestly solicited.

Claims 1, 3, 4, 14 and 16 – 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Phillips et al (U.S. Pat 6,543,565). Applicants traverse this rejection and respectfully submit that each of these claims should be reconsidered in view of the amendments of Claims 1 and 14 and passed to issue.

Phillips '565 discloses an accelerator pedal and a control system for disengaging a clutch in a hybrid electric vehicle. However, Phillips '565 contains only the bald assertion that accelerator position could be an 'engine disconnect factor' (see column 3, lines 49-52); Phillips neither teaches nor suggests that given a regenerative braking event, the clutch will be disconnected and the magnitude of compression braking will be based on the position of the accelerator pedal. As such, Claims 1 and 14, as amended, as well as the claims depending therefrom, patentably define over Phillips '565 and should be passed to issue. Such action is earnestly solicited.

Claims 6 – 8 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Taga '801 in view of Kidston et al (U.S. Pat 5,615,933). The Examiner states that Kidston '933 teaches a system wherein regenerative braking decreases linearly with vehicle speed below a certain speed, to give the feel of a conventional vehicle. The Examiner continues with the argument that it would have been obvious to one of ordinary skill in the art at the time the invention was made to reduce the regenerative braking torque linearly with vehicle speed in the system of Taga '801 as taught by Kidston '933 to increase driver comfort. Applicants traverse this rejection and request that Claim 6-8 and 17 be reconsidered in view of these remarks and further in view of the amendment of Claims 1 and 14 and passed to issue.

Kidston '933 deals with a purely electrical vehicle not having an engine therein. As a consequence, Kidston '933 teaches nothing regarding the clutching or declutching of an engine based as a function of accelerator pedal position. Moreover, the deficiencies of

Taga '801 with respect to this point have previously been addressed. As a result, Claims 6–8 and 17, which depend from Claims 1 and 14, respectively, are allowable over the combination of Taga '801 and Kidston and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 7, the Examiner states that Taga '801 discloses everything in Claim 7 except for the use of master cylinder pressure as a control variable. For this the Examiner turns to Kidston '933. However, as set forth above, neither Claim 1, nor any of the other claims depending therefrom, including Claim 7, is rendered obvious by Taga '801 or Kidston '933, whether taken singly, or in combination with each other and, as a result, Claim 7 is allowable over the combination of Taga '801 and Kidston '933 and should be passed to issue. Such action is earnestly solicited.

The Examiner rejects Claims 8 and 17 over Taga '801 in view of Kidston '933. As noted above, because these claims depend from Claims 1 and 14 respectively, Claims 8 and 17 are allowable over a combination of Taga '801 and Kidston '933 and should be passed to issue. Such action is earnestly solicited.

Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being obvious over Phillips '565 in view of Kidston '933. Applicants respectfully traverse this rejection and request that Claims 5 and 6 be reconsidered in view of these remarks and further in view of the amendment of Claim 1 and passed to issue. Such action is earnestly solicited.

As noted above, Phillips '565 does not disclose a regenerative braking system having functionality posited upon accelerator position, as set forth in amended Claim 1. Moreover, Kidston '933, because it includes no engine, teaches nothing regarding declutching an engine from the powertrain of a hybrid electric vehicle. As a result, neither Phillips '565, nor Kidston '933, whether taken singly or in combination with each other, either teach or suggest Applicants' claimed invention and, as a result each of Claims 5 and 6 is allowable and should be passed to issue.

Applicants respectfully submit that with the amendment of Claims 1 and 14, each of the claims remaining in this case is in condition for allowance and should be passed to issue. Such action is earnestly solicited.

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of September 2003.

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Daphne Poh